

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM T. FIELDS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10CV832 TIA
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The parties consented to the jurisdiction of undersigned pursuant to 28 U.S.C. § 636(c).

On October 20, 2010, the undersigned reversed the Commissioner's decision and remanded Plaintiff's case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$2793.18, which represents 16.05 hours of attorney work at the rate of \$174.03 per hour. In EAJA actions, the district court has the authority to award reasonable and necessary expenses associated with adjudicating a claim for social security benefits. Kelly v. Bowen, 862 F.2d 1333, 1335 (8th Cir. 1988).

In the instant case, Defendant has filed a response stating that he has no objection to Plaintiff's request for an award of attorney's fees in the amount of \$2793.18. However, as stated by Defendant, EAJA fees are payable to the Plaintiff and may be offset to satisfy any pre-existing debt owed to the United States. Astrue v. Ratliff, ___ U.S. ___, 130 S. Ct. 2521, 2527 (2010). The undersigned thus finds that Plaintiff is entitled to attorney's fees in the amount requested, payable to

the Plaintiff. As indicated by the Defendant, however, if Plaintiff does not owe any debt to the United States, Defendant will make the fee payable to Plaintiff's attorney based upon the Assignment of Federal Court EAJA Attorney Fee agreement signed by the Plaintiff. An appropriate Judgment will accompany this Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [Doc. #14] is **GRANTED**.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of November, 2010.